

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TATTOO JOHNNY, INC.,

Plaintiff,

v.

CHRISTIAN AUDIGIER, INC., SHOP ON
STAGE, INC., CHRISTIAN AUDIGIER, TY
BOWERS, MACY'S, INC.,
BLOOMINGDALE'S, INC., NORDSTROM,
INC., VANGUARD APPAREL LIMITED,
JOHN DOES 1-100, inclusive,

Defendants.

Docket No.: 1:08-cv-5572

DECLARATION OF DAVID BOLLT

Declaration of David Bollt

I, DAVID BOLLT, hereby declare and say:


1. I am a principal of Plaintiff Tattoo Johnny, Inc. ("Plaintiff") in the above action. I make this declaration in further support of Plaintiff's application, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for an order and preliminary injunction. I am fully familiar with the facts stated herein and if called as a witness can testify competently as to these facts.

2. I created Terms and Conditions ("Terms and Conditions") found on Plaintiff's website, www.tattoojohnny.com. As such, I drafted all provisions of the Terms and Conditions including the arbitration provision. It was my understanding at the time I drafted the Terms and Conditions, that the arbitration provision was intended to cover disputes such as claims arising from Plaintiff's unauthorized disclosure to third-parties of a user's private information, a user's unauthorized access of the website, fraudulent purchases, user injected viruses, faulty or bugged downloads, purchaser dissatisfaction, product liability claims in connection with downloaded or shipped goods, and other such related disputes.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

8/1/08


David Bollt